

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing: 22 March 2001 (22.03.01)	
International application No.: PCT/ES99/00287	Applicant's or agent's file reference: 99249
International filing date: 10 September 1999 (10.09.99)	Priority date:
Applicant: BASAGAÑAS MILLAN, Jordi	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:

03 July 2000 (03.07.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election
- ☒
- was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).


The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: J. Zahra Telephone No.: (41-22) 338.83.38
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REC'D 18 DEC 2001

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 99249	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ES99/00287	International filing date (day/month/year) 10/09/1999	Priority date (day/month/year) [10/09/1999]
International Patent Classification (IPC) or national classification and IPC A61L9/03		
Applicant DBK ESPANA, S.A. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the reportII <input type="checkbox"/> PriorityIII <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input type="checkbox"/> Certain observations on the international application		
Date of submission of the demand 03/07/2000	Date of completion of this report 14.12.2001	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer de Biasio, A Telephone No. +49 89 2399 8627	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/ES99/00287

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-5 as originally filed

Claims, No.:

1-3 as originally filed

Drawings, sheets:

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/ES99/00287

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-3
	No:	Claims	-

Inventive step (IS)	Yes:	Claims	-
	No:	Claims	1-3

Industrial applicability (IA)	Yes:	Claims	1-3
	No:	Claims	-

2. Citations and explanations
see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The document EP-B-0695553 (D1) discloses an electrical diffuser for air-fresheners of the type which include a heating element embodied as an electrical resistor, suitably arranged in order to supply heat to a container of a liquid product, so that the heat generated by said heating element causes evaporation of the product concerned.

The subject-matter of claim 1 differs from the electrical diffuser of D1 in that it incorporates an electronic switch automatically operated by a light sensor, so that the operation of the diffuser depends on the ambient light intensity.

An objective problem to be solved by the subject-matter of claim 1 can be to reduce energy consumption and/or the consumption of product to be diffused.

The document US-A-4.707338 (D2) discloses a similar electrical diffuser not comprising a heating element but a fan to discharge an air current with air fresheners. The diffuser of D2 comprises also a light sensor that automatically renders the diffuser operative when a light source is switched on. So the features rendering the subject-matter of claim 1 different from what is disclosed in D1 are known from D2.

For the skilled person, trying to solve the a.m. problem, it would be obvious to combine the features of D2 with those of D1 and arrive to the electrical diffuser of claim 1. Hence the subject-matter of claim 1 lacks inventive step (Art. 33(3) PCT).

2. The additional technical features of claim 2 are also known from D2. The subject-matter of claim 2 lacks inventive step (Art. 33(3) PCT).

The additional technical features are the reversed combination of those of claim 2. These features can be considered as a mere adaption in accordance to the circumstances. The subject-matter of claim 3 lacks inventive step (Art. 33(3) PCT).